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SUBJ: GCOB INTRODUCES LEGISLATION ON CONTINENTAL SHELF
FISHERY RESOURCES

REF: NASSAU 1541

COMMERCE FOR NOAA/NMFS

SUMMARY: GCOB INTRODUCED LEGISLATION ON "CONTINENTAL SHELF FISHERY RESOURCES" DURING SEPT 11 PARLIAMENTARY SESSION. DRAFTING OF LEGISLATION, WHICH FOLLOWS SOMEWHAT ANALOGOUS US LEGISLATION PASSED EARLIER THIS YEAR, HAD BEEN SIGNALLED TO EMBASSY ONE MONTHS AGO. EMBASSY UNDERSTANDS THAT, GIVEN AREAS IN WHICH SPINEY LOBSTER USUALLY FOUND, AND IN WHICH US-BASED FISHERMEN OPERATE, NEW LEGISLATION WILL HAVE LITTLE PRACTICAL EFFECT ON GEOGRAPHICAL EXTENT OF BAHAMIAN FISHERIES ENFORCEMENT ACTIVITIES.

1. DRAFT LEGISLATION (COPY POUCHED ARA/CAR) LIKELY TO PASS UNOPPOSED WITHIN NEXT TWO WEEKS. LEGISLATION DEFINES "CONTINENTAL SHELF" AS THAT "APPERTAINING TO THE COMMONWEALTH OF THE BAHAMAS, (I.E.) THE SEABED AND SUBSOIL OF THE SUBMARINE AREAS ADJACENT TO THE COASTS, BUT OUTSIDE THE TERRITORIAL WATERS, OF THE SAID BAHAMAS, TO A DEPTH OF 200 METERS OR, BEYOND THAT LIMIT, TO WHERE THE DEPTH OF THE SUPERJACENT WATERS ADMITS OF THE EXPLOITATION OF THE NATURAL RESOURCES OF THE SAID AREAS." "CONTINENTAL SHELF FISHERY RESOURCE" DEFINED AS "LIVING ORGANISMS BELONGING TO SEDENTARY SPECIES, (I.E.) ORGANISMS WHICH, AT THE HARVESTABLE STAGE, EITHER ARE IMMOBILE OR UNDER THE SEABED OR ARE UNABLE TO MOVE EXCEPT IN CONSTANT PHYSICAL CONTACT WITH THE SEABED OR SUBSOIL OF THE CONTINENTAL SHELF." DRAFT THEN AUTHORIZES MINISTER OF AGRICULTURE TO DECLARE ANY SPECIES OF LIVING ORGANISM TO BE CONTINENTAL SHELF FISHERY RESOURCE FOR PURPOSES OF FISHERIES

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2. DRAFT EXTENDS NORMAL FISHERY VIOLATION PENALTIES TO "ANY PERSON ON BOARD A FOREIGN FISHING BOAT (WHO) TAKES ANY CONTINENTAL SHELF FISHERY RESOURCE WITHIN THE AREA OF THE CONTINENTAL SHELF OR OF THE TERRITORIAL WATERS OF THE BAHAMAS", UNLESS TAKING OCCURS IN COURSE OF AUTHORIZED SCIENTIFIC RESEARCH, BY VESSEL OPERATED BY INTERNATIONAL ORGANIZATION OF WHICH BAHAMAS IS MEMBER, OR PURSUANT TO BILATERAL AGREEMENT FOR RECIPROCAL FISHING RIGHTS.
3. COMMENT: STATED PURPOSE OF LEGISLATION IS TO PROTECT "CRAWFISH, CONCHS AND OTHER SIMILAR SPECIES." SO FAR AS CRAWFISH CONCERNED, IT WOULD APPEAR FROM COAST GUARD/NMFS SURVEILLANCE REPORTS RECEIVED HERE, THAT US-BASED FISHERMEN CONCENTRATE THEIR ACTIVITIES INSIDE THE 12-MILE CFZ. FROM THIS WE CONCLUDE THAT DRAFT LEGISLATION WOULD HAVE LITTLE PRACTICAL EFFECT ON EXTENT OF GCOB ENFORCEMENT JURISDICTION.
4. ACTION REQUESTED: EMBASSY WOULD APPRECIATE ANY INFO NMFS MAY HAVE ON SPINEY LOBSTER HABITS WHICH WOULD INDICATE THAT THEY USUALLY ARE FOUND IN THE SHALLOWER WATERS INSIDE OF 12 MILES, AND THAT THERE ARE FEW IF ANY EXPLOITABLE AREAS OUTSIDE PRESENT BAHAMIAN CFZ. WEISS

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